

Introduced by Senator Pavley

February 20, 2014

An act to amend Section 1203c of the Penal Code, relating to restitution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1197, as introduced, Pavley. Restitution: collection by counties.

Existing law requires that restitution fines and fees be imposed upon a person convicted of crime. Under existing law, when a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation and the court has ordered restitution, the probation officer or the district attorney, with the consent of the victim, is authorized to send the victim's contact information and a copy of the restitution order to the department for the sole purpose of distributing the restitution collected on behalf of the victim.

This bill, when a person who has been ordered to pay restitution is committed to a county jail or placed on postrelease community supervision or mandatory supervision, would authorize the probation officer or district attorney to provide the victim's contact information and a copy of the restitution order, with the victim's consent, to the county agency designated by the board of supervisors to collect and distribute restitution for the sole purpose of distributing the restitution collected on behalf of the victim.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1203c of the Penal Code is amended to read:

1203c. (a) (1) Notwithstanding any other provisions of law, whenever a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation, whether probation has been applied for or not, or granted and revoked, it shall be the duty of the probation officer of the county from which the person is committed to send to the Department of Corrections and Rehabilitation a report of the circumstances surrounding the offense and the prior record and history of the defendant, as may be required by the Secretary of the Department of Corrections and Rehabilitation.

(2) If the person is being committed to the jurisdiction of the department for a conviction of an offense that requires him or her to register as a sex offender pursuant to Section 290, the probation officer shall include in the report the results of the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) administered pursuant to Sections 290.04 to 290.06, inclusive, if applicable.

(b) These reports shall accompany the commitment papers. The reports shall be prepared in the form prescribed by the administrator following consultation with the Board of State and Community Corrections, except that if the defendant is ineligible for probation, a report of the circumstances surrounding the offense and the prior record and history of the defendant, prepared by the probation officer on request of the court and filed with the court before sentence, shall be deemed to meet the requirements of paragraph (1) of subdivision (a).

(c) In order to allow the probation officer an opportunity to interview, for the purpose of preparation of these reports, the defendant shall be held in the county jail for 48 hours, excluding Saturdays, Sundays, and holidays, subsequent to imposition of sentence and prior to delivery to the custody of the Secretary of the Department of Corrections and Rehabilitation, unless the probation officer has indicated the need for a different period of time.

(d) Whenever a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation or a county jail pursuant to subdivision (h) of Section 1170, or is

1 *placed on postrelease community supervision or mandatory*
2 *supervision, and the court has ordered the person to pay restitution*
3 *to a victim, the following shall apply:*

4 (1) If the victim consents, the probation officer of the county
5 from which the person is committed may send ~~to the Department~~
6 ~~of Corrections and Rehabilitation~~ the victim's contact information
7 and a copy of the restitution order *to the department or to the*
8 *county agency designated by the board of supervisors to collect*
9 *and distribute restitution* for the sole purpose of distributing the
10 restitution collected on behalf of the victim.

11 (2) Notwithstanding paragraph (1), the district attorney of the
12 county from which the person is committed may send ~~to the~~
13 ~~Department of Corrections and Rehabilitation~~ the victim's contact
14 information and a copy of the restitution order *to the department*
15 *or to the county agency designated by the board of supervisors to*
16 *collect and distribute restitution* for the sole purpose of distributing
17 the restitution collected on behalf of the victim if the district
18 attorney finds it is in the best interest of the victim to send that
19 information. If the victim affirmatively objects, the district attorney
20 shall not send the victim's contact information ~~to the department~~.
21 The district attorney shall not be required to inform the victim of
22 the right to object.

23 (3) The *victim's* contact information shall remain confidential
24 and shall not be made part of the court file or combined with any
25 public document.